

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER HANSEN,)
Plaintiff,) CASE NO. C12-1657-MAT
v.)
F/V SPICY LADY, O.N. 98982857, HER) ORDER GRANTING MOTION FOR
ENGINES, MACHINERY,) LEAVE TO AMEND
APPURTEANCES, ETC., in rem, et al.,)
Defendants.)

Plaintiff Christopher Hansen seeks leave to amend his complaint. (Dkt. 13.)

17 Specifically, plaintiff seeks to include Collin B. Martens (hereinafter “Collin, Jr.”) and Collin
18 L. Martens (hereinafter “Collin, Sr.”) as defendants, rather than “Collin Martens,” as now
19 named in the complaint. (*Id.*) Plaintiff premises his motion on a belief that both Collin, Jr.
20 and Collin, Sr. served as employers and owners of a vessel subject to suit in this admiralty
21 action. (*See* Dkts. 13, 18 & 19 (including declaration of plaintiff).) Defendants oppose the
22 motion as futile, contending Collin, Jr. was neither an employer nor vessel owner and,

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01 therefore, is not subject to suit. (Dkts. 15 & 16 (including declaration of Collin, Sr.).)

02 Federal Rule of Civil Procedure 15 provides that “leave [to amend a pleading] shall be
03 freely given when justice so requires.” Fed. R. Civ. P. 15 (a). Leave to amend may be denied
04 where there is undue delay, bad faith or dilatory motive, undue prejudice to the opposing party,
05 or when the amendment would be futile. *See Foman v. Davis*, 371 U.S. 178, 182 (1962).

06 In this case, the Court does not find a sufficient basis for denying the motion to amend.
07 As suggested by plaintiff, the arguments raised by the parties appear to present a dispute of fact.
08 While defendants may seek dismissal of Collin, Jr. as a defendant for the reasons set forth in
09 their opposition, the Court finds a ruling on the issue premature at this time.

10 Accordingly, for the reason set forth above, plaintiff’s motion for leave to amend (Dkt.
11 13) is GRANTED. The Clerk is directed to send a copy of this Order to the parties.

12 DATED this 28th day of March, 2013.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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